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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,299

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OT-5361

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EXAMINER

CHAN, KAWING

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,299	Applicant(s) CABALLERO ET AL.	
	Examiner Kawing Chan	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/25/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendments and Applicant Arguments submitted on 05/11/10 have been received and its contents have been carefully considered.

Claims 7, 8 and 11 have been cancelled.

Claims 1-6, 9 and 10 are pending for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/25/10 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Art Unit: 2837

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneda (JP 11130355 A) in view of Robertson (US 5,103,937).

In Re claim 1, Yoneda discloses an elevator system comprising:

- A hoistway (1);
- An elevator car (2) that is moveable vertically within the hoistway;
- A plurality of landings opening into said hoistway (7a-d);
- A pit (8) located below a lowermost landing (7a);
- An engineer interface (6a) located at or near the lowermost landing (7a), the engineer interface (6a) generating a pit access control signal (i.e. signal issued by 25 based on the operation of pressing 6a in a period of time) (Paragraphs [0024-0035]); and
- An elevator controller (20) that automatically responds to the pit access control signal by automatically moving the elevator car to the predetermined parking position (Paragraphs [0029, 0034]: 1.2m above the bottom floor), providing a signal to the controller when the car reaches the predetermined parking position (Paragraph [0031]: 6a is blinked when the car reaches the parking position), the controller automatically stopping the car in the predetermined parking position responsive to the signal (i.e. the preparation for a maintenance member to enter the pit is completed).

Although it is obvious to use a sensor to detect the location of the elevator, Yoneda fails to explicitly disclose at least one sensor in the hoistway at a location

Art Unit: 2837

corresponding to a predetermined parking position of the elevator car above the lowermost landing.

However, Robertson discloses a sensor (39A-B) in the hoistway (33) at a location corresponding to a predetermined position (40) of the elevator car (32).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Yoneda with the teachings of Robertson, since it is known in the art to utilize position sensor in the hoistway at a location corresponding to a predetermined position of the elevator car so as to be able to determine the presence or absent of the car at the predetermined position.

In Re claim 10, Yoneda discloses the pit access signal causes automatic movement of the elevator car in an upward direction from a position at the lowermost landing to the predetermined parking position (Paragraphs [0029, 0034]).

6. Claims 2-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneda (JP 11130355 A) in view of Robertson (US 5,103,937) as applied to claim 1 above, and further in view of Conchello (WO 02/096791 A1).

In Re claim 2, Yoneda and Robertson have been discussed above, but they fail to explicitly disclose a locking means for locking the car to a guide rail.

However, with reference to Figures 1 and 3, Conchello discloses a locking means (1-5) for locking the car to a guide rail (6) (Abstract).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Yoneda and Robertson with the teachings of Conchello, since it is known in the art to utilize a locking means for locking the car to a guide rail so as to be able to protect the mechanic who enters the pit to inspect the elevator car during maintenance.

In Re claim 3, Conchello discloses the locking means are accessible from beneath the car (since pit floor is always beneath the car and part of the locking means 4.2 is disposed in the lower part of the pit; therefore, Conchello inherently discloses the locking means could be accessed from beneath the car) (Abstract).

In Re claim 9, Conchello discloses a manually moveable lock member (3) positioned on an underside of the elevator car (since the bar 3 is engaged with the section 4 located at the lower part of the pit, the bar has to be on the underside of the car) and a locking plate (4) at the predetermined parking position (lower part of the pit), the manually moveable lock member (3) engaging the locking plate responsive to manual movement into a deployed position where the manually moveable locking member and the locking plate prevent movement of the elevator car out of the predetermined parking position (Abstract).

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneda (JP 11130355 A) in view of Robertson (US 5,103,937) as applied to claim 1 above, and further in view of Vialonga (US 6,357,553 B1).

In Re claim 4, Yoneda and Robertson have been discussed above, but they fail to disclose the engineer interface comprises a key switch.

However, Vialonga discloses the engineer interface comprises a key switch (30).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Yoneda and Robertson with the teachings of Vialonga, since it is known in the art to utilize key switch to perform maintenance operation by authorized mechanic so that unauthorized personnel will not have access to control the maintenance operation.

In Re claim 5, with reference to Figure 1, Vialonga discloses the engineer interface (30) is located adjacent an elevator call button (28) at the lowermost landing (Col 2 lines 7-17).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneda (JP 11130355 A) in view of Robertson (US 5,103,937) as applied to claim 1 above, and further in view of Sansevero (US 6,223,861 B1).

In Re claim 6, Yoneda and Robertson have been discussed above, but they fail to disclose a logical means for preventing movement of said car when in said parking position.

However, Sansevero discloses a logical means (top and bottom inspection speed limit switches 16, 17) for preventing movement of said car when in said parking position (Abstract).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Yoneda and Robertson with the teachings of Sansevero, since it is known in the art to utilize limit switches to prevent movement of elevator car while it is parked in a predetermined position (e.g. the elevator is parked at the uppermost or lowermost location during maintenance) so that the mechanic working above or below the elevator car will be safely protected.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schoppa et al. and Makino are further cited to show related teachings in the art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2837

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./
Examiner, Art Unit 2837

/BENTSU RO/
Primary Examiner, Art Unit 2837